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5 **UNITED STATES DISTRICT COURT**  
6 **NORTHERN DISTRICT OF CALIFORNIA**

7 IN RE: ROUNDUP PRODUCTS LIABILITY  
8 LITIGATION

MDL No. 2741

9 This document relates to:

Case No.: 16-md-02741-VC

10 S.R., a minor, by his parent Edith Madrigal v.  
11 Monsanto Co.,

12 Case. No. 3:20-cv-00050-VC

**PLAINTIFF'S PETITION FOR  
13 APPROVAL OF COMPROMISE  
14 OF MINOR SETTLEMENT**

15 Edith Madrigal, as parent of, minor plaintiff, S.R., by and through undersigned counsel,  
16 respectfully requests approval of the minor's proposed settlement, and the distribution of the  
17 settlement, as detailed below.<sup>1</sup> After payment of attorneys' fees, the MDL Common Benefit  
18 Holdback,<sup>2</sup> and case expenses, the net proceeds will be placed into an UTMA account, at TD Bank.

19 The account title is [REDACTED] Account  
20 Number [REDACTED].<sup>3</sup>

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25 <sup>1</sup> Plaintiff has made several attempts to contact Defense counsel on objections regarding this Petition, however,  
Defense has been unresponsive.

26 <sup>2</sup> Pursuant to this Court's orders [DE 13190; DE 13322], Plaintiff is holding back 8% of the gross recovery for a  
27 common benefit holdback. If there is a motion to assess this case for a percentage of the gross recovery, Plaintiff  
respectfully reserves the right to object.

28 <sup>3</sup> A copy of the UTMA account bank information attached as Exhibit A.

The following is a proposed distribution of the minor’s settlement proceeds:

Total Settlement:	[REDACTED]
Attorneys’ Fees: (reduced from 40% to 32%)	[REDACTED]
MDL Common Benefit Holdback (8%): (to be held from attorneys’ fees)	[REDACTED]
Case Expenses <sup>4</sup> :	[REDACTED]
Net recovery to be paid to [REDACTED]	[REDACTED]

“District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors.” *Robidoux v. Rosengren*, 638 F. 3d 1177, 1181 (9th Cir. 2011). In the context of a proposed settlement in suits involving minors, the Court must “independently investigate and evaluate any compromise or settlement of a minor’s claims to assure itself that the minor’s interests are protected... even if the settlement has been recommended or negotiated by the minor’s parent or Guardian Ad Litem.” *Salmeron v. U.S.*, 724 F. 2d 1357, 1363 (9th Cir. 1983). Courts should consider “whether the net amount distributed to each minor plaintiff in the settlement is fair and reasonable, in light of the facts of the case, the minor’s specific claim, and recovery in similar cases.” *Robidoux*, 638 F. 3d at 1182.

In evaluating a settlement, the district court “should evaluating the fairness of each minor plaintiffs’ net recovery without regard to the proportion of the total settlement value designated for adult co-plaintiffs or plaintiffs’ counsel- whose interests the district court has no special duty

<sup>4</sup> See Exhibits B and C attached.

1 to safeguard.” *Id.* at 1182 (citing *Dacanay v. Mendoza*, 573 F. 2d 1075, 1075, 1078 (9th Cir.  
2 1978)). “So long as the net recovery to each minor plaintiff is fair and reasonable in light of their  
3 claims and average recovery in similar cases, the district court should approve the settlement as  
4 proposed by the parties.” *Id.*

5  
6 Based upon the terms of the settlement, the fact of the case, and settlements in similar  
7 case, it is respectfully submitted that the total settlement, costs incurred, and fees incurred are  
8 fair and reasonable under the circumstances.

9 In conclusion, it is respectfully requested that the Court order as follows:

- 10  
11 1. The minor’s settlement as described above is approved;  
12 2. Counsel’s fees and costs as described above are approved;  
13 3. [REDACTED] amount of the minor’s settlement will be placed into the UTMA-FL  
14 account, a copy of said account is filed under seal herewith and the Court approves  
15 the [REDACTED] account.  
16  
17 4. Any modifications to the terms of the UTMA-FL account shall be presented to this  
18 Court for Approval.

19  
20 Dated: December 10, 2021

Respectfully submitted,

21 /s/Fatima Abuzerr  
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**CERTIFICATE OF SERVICE**

I certify that on December 10, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/Fatima Abuzerr

Fatima Abuzerr

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